IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

WRIT PETITION NO. 2357 OF 2006

RANI LAXMIBAI MAHILA PROBODHAN
PRATISHTHAN & ANR. .. PETITIONERS
Vs.
RAMRAO SHAMRAO ALANE & ORS. .. RESPONDENTS

Mr. Rajesh S. Datar for petitioners
Mr. S.G.Kudle for R-1
Mr. M.H.Solkar, AGP for R-2 & 3

CORAM:-DR. D.Y.CHANDRACHUD, J.

DATED:-7/7/2006

P.C.

. The learned counsel appearing on behalf of the 1st respondent who is the appellant before the School Tribunal has fairly accepted the position that the appeal before the School Tribunal is not maintainable under Section 9 of the Maharashtra Employees of Private Schools (Conditions of Service) Regulation Act, 1977, in view of the fact that the said school is a Special School meant for the disabled. The school, therefore, does not fall within the meaning of the expression 'Private School' as defined in the Act. In the circumstances, the learned counsel prays that he

may be permitted to withdraw the appeal with liberty reserved to adopt appropriate proceedings for seeking the same relief which was sought before the School Tribunal.

2. Permission is granted as prayed. Appeal No. 444 of 2004 before the School Tribunal, Pune Region, Solapur is accordingly dismissed as withdrawn, with liberty reserved to the appellant before the School Tribunal (the 1st respondent) to take recourse to such remedy as available in law, for redressing the same grievance.

3. It is clarified that no opinion is expressed by this court on the merits of the rival contentions.

4. The petition is accordingly disposed of.

(DR. D. Y. CHANDRACHUD, J.)